APPENDIX C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

Civil LV-1654

CLEAR GRAVEL ENTERPRISES, INC.,
Plaintiff,
vs.
NOLAN KEIL, STATE DIRECTOR, BUREAU OF LAND MANAGEMENT, STATE OF NEVADA, and ROLLA CHANDLER, CHIEF DIVISION OF TECHNICAL SERVICES, BUREAU OF LAND MANAGEMENT, RENO, NEVADA, being agencies of the UNITED STATES DEPARTMENT OF THE INTERIOR, UNITED STATES OF AMERICA,
Defendants.

FINDINGS OF FACT

1. By decision IBLA 70-15, dated May 20, 1971, the Interior Board of Land Appeals, acting under delegated authority of the Secretary of the Interior, affirmed a decision of the Office of Appeals and Hearings, Bureau of Land Management, sustaining the determination of a hearing examiner that the Clear Gravel Nos. 12 and 13 placer mining

claims were invalid.

2. The Board of Land Appeals based its decision on the entire administrative record in Nevada Contest No. 057075, entitled United States v. Clear Gravel Enterprises, Inc., including the transcript of testimony and exhibits submitted to the hearing examiner at a hearing at Las Vegas, Nevada, on August 17 and 19, 1965.

3. The determination of the Board of Land Appeals that there was no discovery of valuable deposits of sand and gravel on the Clear Gravel Nos. 12 and 13 claims prior to July 23, 1955, is supported by sustantial evidence in the administrative record.

CONCLUSION OF LAW

The decision of the Interior Board of Land Appeals was not arbitrary or capricious and was supported by substantial evidence in the administrative record.

DATED: May 4th, 1972.

ROGER D. FOLEY
DISTRICT JUDGE

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NOLAN KEIL, STATE DIRECTOR, BUREAU OF LAND MANAGEMENT, STATE OF NEVADA, and ROLLA CHANDLER, CHIEF DIVISION OF TECHNICAL SERVICES, BUREAU OF LAND MANAGEMENT, RENO, NEVADA, being agencies of the UNITED STATES DEPARTMENT OF THE INTERIOR, UNITED STATES OF AMERICA.
Defendants.

JUDGMENT

This matter having come on for hearing on the parties' cross motions for summary judgment, and the Court having heard oral argument and considered the pleadings and material filed in support of the motion, and it appearing that there is no genuine issue of fact, that the Secretary's decision was not arbitrary or

capricious, and that defendants are entitled to judgment as a matter of law.

IT IS ORDERED AND ADJUDGED as follows:

1. Plaintiff's motion for summary judgment is denied. Defendants' motion for summary judgment is granted.

2. The action is dismissed on the merits, and plaintiff takes nothing.

DATED: May 4th, 1972.

ROGER D. FOLEY
DISTRICT JUDGE